

House Bill 37

By: Representative Franklin of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 primaries and elections generally, so as to provide that political parties shall provide
3 documentation that their candidates in the presidential preference primary meet the
4 qualifications of the United States Constitution to hold the office of President of the United
5 States; to provide that political parties and bodies that have candidates for the offices of
6 President and Vice President shall provide documentation that their candidates meet the
7 qualifications of the United States Constitution to hold the office of President and Vice
8 President of the United States; to provide for related matters; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
13 elections generally, is amended by revising Code Section 21-2-193, relating to the list of
14 names of candidates to appear on the presidential preference primary ballot, as follows:

15 "21-2-193.

16 (a) Not later than November 1 of the year preceding the year in which a presidential
17 preference primary is to be held, the state executive committee of each party which is to
18 conduct a presidential preference primary shall submit to the Secretary of State a list of the
19 names of the candidates of such party to appear on the presidential preference primary
20 ballot. Such lists shall be published by the Secretary of State in a newspaper of general
21 circulation in the state during the first week of December in the year immediately
22 preceding the year in which the presidential preference primary is to be held.

23 (b) In submitting the lists of candidates to appear on the presidential preference primary
24 ballot, each political party shall provide for each candidate on the list original
25 documentation that he meets the qualifications of Article 2, Section 1, Paragraph 1 and

26 Article 2, Section 1, Paragraph 5 of the United States Constitution to serve as President of
 27 the United States if elected to such office.

28 (c) Any citizen of this state shall have the right to challenge the qualifications of any such
 29 candidate within two weeks following the publication of the names of such candidates by
 30 the Secretary of State using the procedures provided in Code Section 21-2-5."

31 **SECTION 2.**

32 Said chapter is further amended by revising subsection (e) of Code Section 21-2-285, relating
 33 to form of official election ballot, as follows:

34 "(e) When presidential electors are to be elected, the ballot shall not list the individual
 35 names of the candidates for presidential electors but shall list the names of each political
 36 party or body and the names of the candidates of the party or body for the offices of
 37 President and Vice President of the United States, provided that each political party or body
 38 having candidates for the offices of President and Vice President of the United States to be
 39 placed on the ballot shall provide original documentation to the Secretary of State for its
 40 candidate for the office of President of the United States that he meets the qualifications
 41 of Article 2, Section 1, Paragraph 1 and Article 2, Section 1, Paragraph 5 of the United
 42 States Constitution to serve as President of the United States if elected to such office and
 43 shall provide original documentation to the Secretary of State for its candidate for the
 44 office of Vice President of the United States that he meets the qualifications of Article 2,
 45 Section 1, Paragraph 1 and Article 2, Section 1, Paragraph 5 of the United States
 46 Constitution to serve as Vice President of the United States if elected to such office. If the
 47 political party or body fails to provide such documentation, then the names of the party's
 48 or body's candidates shall be omitted from the ballot. Any citizen of this state shall have
 49 the right to challenge the qualifications of any such candidate within two weeks following
 50 the receipt of such original documentation of such candidates by the Secretary of State
 51 using the procedures provided in Code Section 21-2-5. The individual names or the
 52 nominees of each political party or body for such offices shall be posted at each polling
 53 place arranged alphabetically under the names of the candidates of the party or body for
 54 President and Vice President of the United States. A vote for the candidates for President
 55 and Vice President of a political party or body shall be deemed to be a vote for each of the
 56 candidates for presidential electors of such political party or body."

57 **SECTION 3.**

58 All laws and parts of laws in conflict with this Act are repealed.